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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,626	03/17/2006	Velliyu Nott Mallikarjuna Rao	CL2320 US PCT	7661
David E Heise	7590 02/23/2007		EXAM	IINER
E I Du Pont De Nemours and Company Legal Patent Records Center 4417 Lancaster pike Wilmington, DE 19805			PARSA, JAFAR F	
			ART UNIT	PAPER NUMBER
			1621	
SHORTENED STATUTOR	RY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS		02/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)					
Office Action Summary		10/572,626	RAO ET AL.					
		Examiner	Art Unit					
	· .	Jafar Parsa	1621					
Period fo	The MAILING DATE of this communication a or Reply	appears on the cover sheet with	the correspondence addre	ess				
WHIC - Exte after - If NC - Failt Any	IORTENED STATUTORY PERIOD FOR REF CHEVER IS LONGER, FROM THE MAILING ensions of time may be available under the provisions of 37 CFR of SIX (6) MONTHS from the mailing date of this communication. Depriod for reply is specified above, the maximum statutory perior to reply within the set or extended period for reply will, by state reply received by the Office later than three months after the material patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICA 1.136(a). In no event, however, may a reply od will apply and will expire SIX (6) MONTHS tute, cause the application to become ABANI	TION. be timely filed from the mailing date of this comm DONED (35 U.S.C. § 133).	·				
Status								
1)⊠	Responsive to communication(s) filed on 17	' March 2006.						
2a)□		his action is non-final.						
3)□								
,—	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposit	ion of Claims	, , ,	,					
4)⊠	Claim(s) 1-7 is/are pending in the application	n						
٠,८	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)□	5) Claim(s) is/are allowed.							
·	∑ Claim(s) <u>1-7</u> is/are rejected.							
7)								
′=	Claim(s) are subject to restriction and	t/or election requirement						
	ion Papers							
	•							
·	The drawing (a) filed an analysis (average)							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.								
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
441	Replacement drawing sheet(s) including the corr							
'')	The oath or declaration is objected to by the	Examiner. Note the attached O	ffice Action or form PTO-	152.				
Priority ι	ınder 35 U.S.C. § 119							
	Acknowledgment is made of a claim for forei ☐ All b) ☐ Some * c) ☐ None of:	gn priority under 35 U.S.C. § 11	9(a)-(d) or (f).					
	1. Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No							
	3. Copies of the certified copies of the priority documents have been received in this National Stage							
	application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.								
Attachmen	t(s)							
_	e of References Cited (PTO-892)	4) Interview Sumi	mary (PTO-413)					
2) 🔲 Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/M	ail Date					
	nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date <u>8/16/2006</u> .	5) Notice of Inform 6) Other:	nal Patent Application					
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DETAILED ACTION

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 10/572,625 and claims 1-7 of copending application No. 10/572,627. Although the conflicting claims are not identical, they are not patentably distinct from each other because the references teach the use of structurally similar compound for manufacturing of hydrofluorocarbons. Nothing unobvious is seen in substituting hydrogen for fluorine atoms or vice versa. The claimed process would have been

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obvious to the skilled artisan because the process for preparing the close structural similarity of the reference compounds suggests the process for preparing the instant compounds.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jafar Parsa whose telephone number is (571)272-0643. The examiner can normally be reached on 8 a.m.-4:30 p.m. (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP February 20, 2007 Primary Examiner
Art Unit 1621

Jäfar Parsa

J. PARSA PRIMARY EXAMINER